

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

CHAPTER 7

BKY CASE NO. 13-45476-MER

Mark L. Nessel and  
Susette L. Nessel,

**NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF PROPERTY**

Debtors.

TO: THE UNITED STATES BANKRUPTCY COURT, THE UNITED STATES TRUSTEE, THE DEBTORS, AND THE DEBTORS' ATTORNEY.

1. Julia A. Christians, Chapter 7 trustee herein, moves the Court for the relief requested below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion on January 30, 2014, at 9:00 a.m., in Courtroom No.7 West, at U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 or as soon thereafter as counsel can be heard. Any response to this motion must be filed and served not later than January 24, 2014, which is five days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

3. This Court has jurisdiction over this motion under 28 U.S.C. § 157 and § 1334 and Bankruptcy Rule 5005. This motion is filed under Local Rule 6072-1, this proceeding arises under 11 U.S.C. § 542(a) and movant requests an order directing the debtors to turn over: \$40 cash on hand as of the filing date; \$476.87, for the value of the 1982 Mastercraft Fiberglass boat & trailer; \$600, for the value of the 1975 14 ft Lund and 15HP Evinrude motor; the most recent balance sheet for Nessel Architecture, Inc.; statements for all retirement plans of the debtors, sufficient to show the nature of each plan; a statement for Mark Nessel's health savings account showing the balance as of the filing date or documentation to show the health savings account was closed between the time it was reported in the debtors' 2012 tax returns and the filing date; the amount of any balance in the health savings account as of the filing date; copies of the debtors' 2013 federal, state and any property tax returns, as soon as prepared; and, all 2013 tax refunds, proportionate to the date of filing.

4. The petition commencing this case as a Chapter 7 case was filed on November 11, 2013. This case is now pending in this Court.

5. The trustee demanded turnover of the afore-said funds and documentation. However, the debtors have failed to respond. Therefore, the trustee requests an order directing the debtors to

comply with turnover without further delay.

LAPP, LIBRA, THOMSON, STOEBNER &  
PUSCH, CHARTERED

Dated: January 10, 2014

By /e/ Julia A. Christians  
Julia A. Christians (#157867)  
120 South Sixth Street #2500  
Minneapolis, MN 55402  
612/ 338-5815

Attorneys for the Trustee

**VERIFICATION**

I, Julia A. Christians, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on January 10, 2014

/e/ Julia A. Christians  
Julia A. Christians

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

CHAPTER 7

BKY CASE NO. 13-45476-MER

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Susette L. Nessel,

Debtors.

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**UNSWORN CERTIFICATE OF SERVICE**

I, Katie J. Gatrost, declare under penalty of perjury that on January 10, 2014, I mailed copies of the attached Notice of Hearing and Motion for Turnover of Property and proposed Order by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Mark L Nessel  
Susette L Nessel  
6321 Elm Tree Avenue  
Excelsior, MN 55331

VIA ELECTRONIC FILING ONLY

- Julia A. Christians jchristians@lapplibra.com,  
lfrey@lapplibra.com;kgatrost@lapplibra.com;MN0A@ecfcbis.com
- Neil P. Thompson nptrxlaw@gmail.com, nptecfmail@gmail.com
- US Trustee ustpregion12.mn.ecf@usdoj.gov

Executed on: January 10, 2014

/e/ Katie J. Gatrost  
Katie J. Gatrost, Legal Assistant  
Lapp, Libra, Thomson, Stoeber &  
Pusch, Chartered  
120 South Sixth Street, Suite 2500  
Minneapolis, MN 55402  
612/338-5815

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

CHAPTER 7

BKY CASE NO. 13-45476-MER

Mark L. Nessel and  
Susette L. Nessel,

**ORDER**

Debtors.

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This case is before the court on motion for turnover of property. Based on the motion and the files,

IT IS HEREBY ORDERED:

That the debtors turn over to the trustee within 7 days of the date of this order: \$40 cash on hand as of the filing date; \$476.87, for the value of the 1982 Mastercraft Fiberglass boat & trailer; \$600, for the value of the 1975 14 ft Lund and 15HP Evinrude motor; the most recent balance sheet for Nessel Architecture, Inc.; statements for all retirement plans of the debtors, sufficient to show the nature of each plan; a statement for Mark Nessel's health savings account showing the balance as of the filing date or documentation to show the health savings account was closed between the time it was reported in the debtors' 2012 tax returns and the filing date; the amount of any balance in the health savings account as of the filing date; copies of the debtors' 2013 federal, state and any property tax returns, as soon as prepared; and, all 2013 tax refunds, proportionate to the date of filing.

Dated: \_\_\_\_\_

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Michael E. Ridgway  
United States Bankruptcy Judge